

PATENT
Attorney Docket No. 211843-00035

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 10/825,339
Confirmation No.: 8637
Filing Date: April 15, 2004
Inventor(s): Thomas Neil Horsky
Group Art Unit: 2881
Examiner Name: Jack I. Berman
Title: ION IMPLANTATION ION SOURCE,
SYSTEM AND METHOD

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Sir:

On November 28, 2005, a Notice of Abandonment was mailed by the U.S. Patent and Trademark Office, stating that the issue and publication fees were not received for the instant application. Applicant hereby requests that the Notice of Allowance be rescinded for the following reason:

The issue fee (\$1,400), publication fee (\$300), and advance order for 10 copies of the printed patent (\$30) were paid in March 2005.

Please see the attached March 2005 Deposit Account Statement, which shows the fees posted on March 30, 2005. Also attached are copies of the following:

1. Communication Regarding Fees and Part B – Fee(s) Transmittal, which were faxed to the PTO on August 3, 2005 (a copy of the PTO fax confirmation for this filing is also attached); and

Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181

Application No. 10/825,339

January 26, 2006

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2. A copy of page 1 of the PTO's "Decision on Petitions" mailed July 6, 2005, which advises that the issue and publication fees (which were paid in March 2005) may be applied towards the new Notice of Allowance dated July 13, 2005.

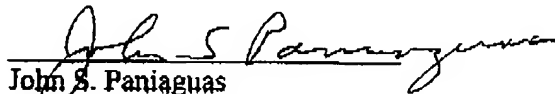
In view of the above, Applicant respectfully requests issuance of the Letters Patent.

It is believed that no petition fees are required for this matter; however, should the U.S. Patent and Trademark Office disagree, the Commissioner is hereby authorized to charge any requisite fees to Deposit Account No. 50-1214.

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By:



John S. Paniaguas

Registration No. 31,051

Attorney for Applicant(s)

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525 W. Monroe Street
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**United States
Patent and
Trademark Office****Deposit Account Statement**

Requested Statement Month: March 2005
Deposit Account Number: 501214
Name: KATTEN MUCHIN ROSENMAN LLP
Attention: GAIL WEISS
Address: 525 WEST MONROE STREET
City: CHICAGO
State: IL
Zip: 60661-3693
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/30	19	10825339	211843-00035	1501	\$1,400.00	\$12,584.00
03/30	20	10825339	211843-00035	1504	\$300.00	\$12,284.00
03/30	21	10825339	211843-00035	8001	\$30.00	\$12,254.00

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COMMUNICATION REGARDING FEES

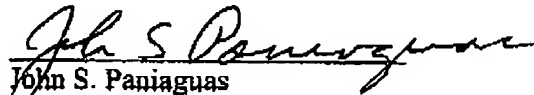
Sir:

Attached is Form PTOL-85 for the above-identified application. Please note that the issue fee (\$1,400), publication fee (\$300), and advance order for 10 copies of the printed patent (\$30) were previously paid in March 2005 and should be re-applied to the Form PTOL-85 filed herewith.

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By:


John S. Paniaguas
Registration No. 31,051
Attorney for Applicant(s)

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Auto-Reply Facsimile Transmission



TO:

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01-26-06 12:10pm	From:KATTEN MUCHIN ROSENMAN 13129021061	3129021061	T-622 P.07/08 F-270
Katten Muchin Rosenman LLP			
604 West Wacker Dr. Chicago, IL 60601-4002 Tel: 312.577.4532 Fax: 312.577.4533			
Facsimile			
To:	Company:	Fax Number:	Phone Number:
1. Mail Stop ISSUE PER	USPTO	(877) 273-2885	
Date:	Call Number:		
August 3, 2005	211843-00035		
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John S. Pantegase	323-47		
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Total number of pages, including cover sheet: 3 If you do not receive all of the pages listed on the cover sheet, call 312.682-5312			
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1. Communication Regarding Fees; and			
2. Form PTO/45.			
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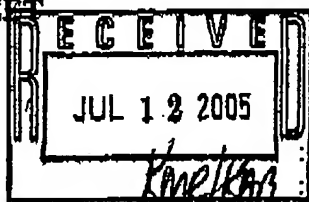
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JUL 06 2005

OFFICE OF PETITIONS



In re Application of
Thomas Neil Horsky et al
Application No. 10/825,339
Filed: April 15, 2004
Attorney Docket No. 211843-00035

DECISION ON PETITIONS

This is a decision on the petition, filed July 1, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. This is also a decision on the petition filed July 1, 2005, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are Granted.

As to the petition under 37 CFR 1.313(c)(2):

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 28, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).